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EDITORIAL

THE PROBLEM FACING THE LEFT

The national liberation struggles of the 1940s to 1970s and a few years beyond focused the attention of African people on the need for a *political settlement* of the question of colonialism across the African continent in its entirety.

Not only did Dr. Kwame Nkrumah construct the slogan 'Seek ye first the political kingdom' but also appealed to Friedrich Engels' letter of September 21 1890 to J. Bloch to provide a theoretical justification of that position.

For as long as an inch of African soil remained under *colonial* domination Dr. Nkrumah insisted on this dominance of the *political element* in the strategy of the national liberation struggle.

With the virtual annihilation of colonial rule Dr. Nkrumah *redefined* the situation on the African continent as one of *neo-colonialism* that required the collective mobilization of the continent's human *and* natural resources.

This redefinition placed the *economic element* in dominance within the framework of a politically united Africa against neo-colonialism which he also defined as an *economic* arrangement to still hold down the African.

The *simultaneous* pursuit of African economic reconstruction *and* African political unity with focus on the centrality of the former appears to us to have escaped The Left that still dwells on the political kingdom slogan.

The Left has, consequently, neglected addressing issues of the economic element, whether big or small, and indulges itself in enterprises for what it normally calls 'the capture of State power' even through coups d'états.

Those enterprises essentially involve collaboration with factions of the neo-colonial elite which have *no* interest in dislodging the neo-colonial system but its retention. Any attempt to point out this aberration is instantly resisted.

No doubt that the overwhelming sections of The Left are engaged in *personal* economic pursuits to feed families and friends *without* reference to how such pursuits, *primarily*, contribute to *building* a socialist economy in the bud in the light of existing opportunities *in* the system.

Their petite-bourgeois excuse is that 'You'll be crushed.' Yet those who are attempting have not been crushed.

CENCSA Headquarters under Development

CONTENTS

Ideological Determinations

A Personal Manifesto In Rededication To Revolutionary Pan-Africanism

The People's State – Conspiracy and Democratic Development (Part One)

Applications

Politics, Human Rights And The Media In Ghana
By Professor Kwame Karikari

Marching Forward To The Past - From Newmont II, back to Newmont I - via Gold Fields
By Professor Akilagpa Sawyerr

Research and Experiments

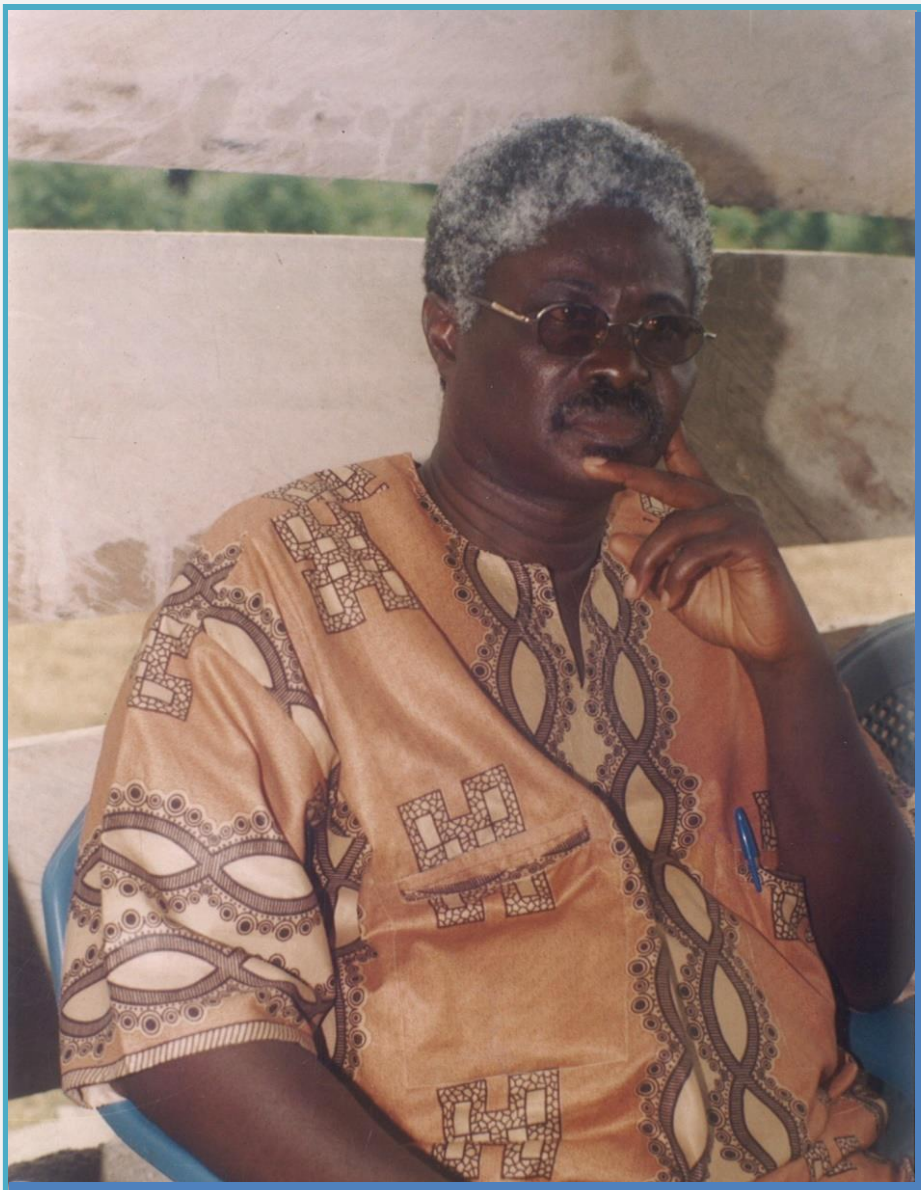
Towards An Independent Foundation For Left Research In Africa

Unions and Co-operatives – How Workers Can Survive And Thrive
By Van Slyke

Workers-Co-operatives More Productive Than Conventional Businesses
By Michelle Chen

Matters Arising

On Equity & Equality In The Projected Restitution Of Humanist Egalitarianism



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A Personal Manifesto In Rededication To Revolutionary Pan-Africanism

Trained to produce ideas as a historian and a philosopher, we seek to go further to actualize those ideas with this understanding that a Revolution that bears a new society is neither imported nor exported. It evolves and bursts from within and alongside the existing socio-economic system as its humane alternative. Its principles for development are borne by a self-reproductive set of Marxist-Nkrumaist professional revolutionaries dedicated to a lifetime of struggles to realize the vision nurtured in such ideas. Prospects for the reproduction of at least one such professional revolutionary motivate us; believing that the correctness of our ideas, derived from a People's struggle under the banner of Revolutionary Pan-Africanism, shall be the guarantee of success in the multiplication of professional revolutionaries from and for the masses of our people in the years to come. For this purpose alone, we rededicate ourselves to the exposition, advance and realization of the scientific socialist ideas and ideals of Marxism-Nkrumaism without let or hindrance in the True and Great Spirit of Service, Sacrifice and Suffering. The unattained remains a fascination. Challenges do not deter but rather strengthen us in our single-minded surge on; the set principles of Marxism-Nkrumaism being our guide for Revolutionary Pan-Africanism.

In The People We Trust!
We Remain Focused, Determined and Bold!
Forward Ever! Onward to the African Revolution!
(November 1 2017)

THE PEOPLE'S STATE

Conspiracy and Democratic Development (Part One)

By
Lang T.K.A. Nubuor

Introduction

The more one appreciatively reads Prof. Akilagpa Sawyerr's November 15 2016 Presidential Address to the Ghana Academy of Arts and Sciences (GAAS) within Ghana's *general historical context with special reference to the period that begins from 1982* the more the urgency is felt for democratic development of a genuine People's State in Ghana in particular and Africa in general. The real struggle begins for an organic pursuit and construction of that People's State from the grassroots economic endeavours of *the masses of the people* to control national assets.

That Address brings into sharp relief the concrete implications of Nana Dr. S.K.B. Asante's Presidential Address to the Ghana Academy of Arts and Sciences entitled *Beyond State Collapse in Africa: Lessons for the Future*. The implications are those of the *imposition* of an alien State system *over* the *native* historical processes to serve interests other than those of the indigenous people. Academia conceives the disconnection. (See GAAS's collection *Notion of the State in Contemporary Africa, Proceedings 1998* (2006) for Nana Dr. Asante's paper)

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In 1982, national progressive forces in Ghana were caught *unprepared* when a *conspiracy* overthrew the People's National Party (PNP) managers of the neo-colonial State. Organizations that had sprouted out of a *movement* set forth by the previous June 4 Uprising of 1979, initiated by the Other Ranks, and others before them set out on the path of a National Democratic Revolution in separate ranks. In the process, while attempts were being made to put right those separate ranks in the form of a united *front* inter-organizational *conspiracies* undermined the efforts.

Implicit in those deep-seated conspiracies was the question of *what to do* with the historically-inherited colonial State apparatus which had been externally imposed on indigenous socio-economico-political processes but that had then been reformed into a neo-colonial State system. A system of community and working people's defence committees appeared to represent the construct of an *alternative* State system *from* the *existing organic relations of the society*. Internal forces opposed to this stood for the *retention* of the neo-colonial State.

In the wake of the defeat and dissemination of the ranks of the progressive organizations that consciously or unconsciously stood for the *alternative* State system the forces of reaction and counter-revolution succeeded in retaining the neo-

colonial State which continues breathing to date. A new *movement* in the *daily struggles* of the *working people* for sheer survival is afoot. It requires definition in pursuit of a People's State *now* by a united front of progressive forces. The dynamics of the *front* and the *movement* occupy us here.

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To this effect, we place the analysis within the historical circumstance of the fragility of the neo-colonial State – with its construct as an apparatus essentially in the service of external interests – as an *imposition* on but not as an organic *upshot* from the indigenous processes of the natural development of African society. We explain that the inherent instability of that State rests in the generally constant but also occasional resistance posed to those interests by indigenous forces in rebellion against the State's connivance in foreign expropriations of local resources.

That resistance is *spontaneous*; by which fact it constitutes an *unorganized* movement of the people. This paper urges that progressive forces should adopt a serious study in determining the configurations of this *movement* in all its local manifestations so as to *consciously* promote it. This requires technical handling. It places Prof. Sawyerr's Address at the centre of neo-colonial State activity determination within Nana Dr. Asante's construct of that State's set historical fragility in consequence of its *imposition* to serve foreign interests.

The paper suggests that in our current circumstances such a technical handling cannot be undertaken by a single individual or organization but rather by a conglomerate of progressive forces. In point of the reality that progressive organizations have regrouped after their dissemination in the 1980s but still carry some of the burdens of their past inter-organizational competitiveness it becomes imperative that a National Front of Progressive Forces undertakes that task without, this yet, compromising their existen*ces*. It situates the *front* in the people's *movement*.

The *ultimate* emergence of a *People's State* in replacement of the neo-colonial State remains the political focus of all these processes of National Democratic Revolution in Ghana and across Africa. In this light, we trace the efforts of the *collective* force of progressive forces at evolving the People's State in their endeavours of 1982 to the historic document *Alternative Economic Report 1982,* also known in progressive circles as *The Graham Report*. That Report remains the basic *collective Left document* defining Left struggles. It requires updating.

Focus, determination and boldness are vital if such processes should lead to a Socialist United Africa under a People's Republican State of Africa guided by the general programme of Marxist-Nkrumaist Revolutionary Pan-Africanism in service of Africa.

'Service, Sacrifice, Suffering' remains the motto and banner under which committed African professional revolutionaries dedicate themselves to Revolutionary Pan-Africanism is pursuit of a Socialist United Africa.

Definitions

In Nana Dr. S.K.B. Asante's Address, he does not use the word 'imposition' but rather 'contrivance' to characterize the process of instituting the modern State in Ghana. In doing so he picks on Schultz's usage. Schultz writes about the State either being *contrived* or being *formed*. By *The Sage's English Dictionary and Thesaurus*' definition, one sense of 'contrive' is 'to devise'. This is made specific when the same dictionary gives one sense of 'contrivance' as 'an act of devising' or 'an artificial or unnatural or obviously contrived arrangement'.

In Schultz's usage, this concept of 'contrivance' as the *artificial* or *unnatural* is contrasted with 'formation'. That dictionary defines 'formation' as a '*natural* process that causes something to form'. To 'form' is therein defined as to '*develop* into a distinctive entity'. These definitions obviously contrast the terms 'contrivance' or 'contrive' with 'formation' or 'form', respectively. A State, in the terms of Schultz, is thus either *unnaturally* constituted (contrived) or *naturally* evolved (developed or formed). What are the implications for us?

Problem Statement

Schultz, as Nana Dr. Asante cites, sees a *contrived* State in Africa as one that is 'subject to fragmentation and reconfiguration based on the claims and consequences of internal dispute and conflict and external ambitions and operations.' He explains this as a *result* of the fact that 'Most (African states) were configured by the imperatives of European power politics at the end of the nineteenth century.' Nana Dr. Asante sees the modern African state as 'a recent contrivance' and seems to perceive *that* as the *source* of 'the basic fragility of the African state'.

He appears to administer the *coup de grâce* when he specifically states that 'The typical African state was originally an *artificial* creation of the metropolitan power, encompassing a heterogeneous collection of tribes or ethnic groups and representing at best, a colonial administrative or economic convenience.' He continues instructively that the 'National boundaries are not referable to any criteria other than the accident of colonial partition. Thus, upon attaining Independence, the very notion of statehood *had* to be established as a *meaningful* concept.' The process of *establishment* lingers on.

The establishment of the State as a *meaningful* concept entails its *formation*, that is, its development as a *natural* product of the mainstream dynamics of the country's *indigenous* processes. Those processes are understood as the *historical* tendency to evolve a natural State from and over an evolved but *informal economic union* subsisting under *separate* pre-colonial States such as those States that were absorbed by the Ashanti Empire, the Fanti Confederation, the Ga, Ewe States as well as those of Dagomba and other State formations in the North.

In the post-independence period, efforts to *evolve* such a *natural State* through the pursuit of indigenous or national interests are represented in the works of Dr.

Kwame Nkrumah, like *Africa Must Unite*, and the rest by The Left, like the *Alternative Economic Report 1982*. In these efforts, the *inhibiting* forces remain the *internal* surrogates of reaction and counter-revolution that arraign themselves with forces of imperialism for the maintenance of today's imposed neo-colonial State. With this understanding, we address narratives of such *historical endeavours*.

Pre-Colonial State Formation

Those twentieth century narratives of *intentions* and *efforts* by Dr. Kwame Nkrumah and The Left in Ghana cannot be properly appreciated without a corresponding but brief narrative of the prevailing trend of the endeavours at state formation in the *pre-colonial period* across West Africa. In this respect, we observe the progressive *enlargement* of territory from the Ghana Empire through the Mali Empire to the Songhai Empire respectively under a *single State* to have been *replicated* in other parts of Africa like Ghana and Nigeria on a mini-scale.

In the correspondent process in modern Ghana, which we concentrate on in this paper, we observe Prof. A. Adu Boahen's depiction of how the Adansi Kingdom incorporated tiny States in the Western Region, followed by the absorption of that kingdom into the Denkyira Kingdom which was also absorbed by the Akwamu Kingdom that was then incorporated into the Ashanti Empire. This progressive incorporation of tiny States and Empires into an enlarged one placed most of modern Ghana under the State of the Ashanti Empire.

The underlining dynamics of these processes of State formation were located in the prior informal *economic integration* of the country from the South through the Middle Belt to the North and even across the Western and Eastern borders of the country right up to the border of the Dahomey Kingdom in the farther East. By the narrative, economic production had reached a stage of generating *surplus* that was enough to have some of it converted into *commodities*. Trading had not only created trade routes between and among communities but also tax systems.

The process of commodification was, however, not homogenous since while some communities were producing surpluses others were still producing at the subsistence level. The latter thus tended to remain as *stateless* societies while the former evolved *state* systems to *superintend* over the growing complex economic activities of the people. Rights over tax collection along trade routes generated conflicts among the *emerging* States which developed under specific families in reflection of the growth of semi-feudalism out of the prevailing communal relations.

The pre-colonial era, therefore, spotted a landscape of stateless (acephalous) societies and state-led (cephalous) societies within the same region. The raids by the cephalous societies on each other and on the acephalous societies very well created a scene of conflicts on the African historical landscape which Eurocentric historiography has very grossly misunderstood as a *meaningless* scene of conflicts. But the historical records show a *meaningful* though *spontaneous* process of State-building inspired by internal production and external trade dynamics.

Those were the dynamics that determined the coastal States' attitudes toward the Ashanti Empire and the European adventurers. Ashanti trade ambitions against the Fanti middleman's monopoly in the trade with Europeans and the Fanti's collaboration with the latter to preserve that monopoly status as well as internal Fanti juridical difficulties set the pace for the erection of a British *juridical administration.* This developed into a *full-fledged State* ran on the basis of the single-minded *abiding* British capitalist interests to siphon out of the country its natural resources from the last quarter of the 19th century. That State remains an *imposition* on all hitherto independent *African* socio-economico-political efforts in development.

Problematics of the Colonial State

From the onset, the process of imposition was resisted by the Chiefs and People of the country. The manner of the imposition and the form of the resistance resulted in the formulation of a policy of *indirect rule* on the part of the British. That meant that *indigenous* socio-political institutions and economic practices were left *intact* while *new* economic relations were introduced *alongside* and *within* the indigenous. The focus of this change involved the *subordination* of the indigenous economy and its corresponding superstructural institutions to the demands of British industrial needs and, thus, to the imperatives of the *new* economic system.

This meant the emergence of a *dual* economy - an *indigenous* economy on the one hand and a British-led *export-oriented* economy on the other. While the first involved production of commodities for the African sub-regional market the other involved extraction of natural resources *out* of the territory to feed British industries. This duality had an intra-linkage that compelled the indigenous economy to *facilitate* development of the export economy while the latter *discouraged* the development of *industries* within the former. That defined the problematics of the colonial State as based on industrial strangulation and export of natural resources.

The strangulation of the industrial drive of the indigenous economy by the export economy has remained a long-drawn-out process in which local agents of the export economy were trained and employed in service of it. Such agents, also nurtured with roots in the indigenous economy, were placed in a state of *schizophrenia* whereby they had divided loyalties *occasioned* by the dual economy – one part of their heart being with the indigenous economy and its socio-political institutions that *inherently* sought to develop its *independent* direction and the other part being *supportive* of the exogenous forces of retardation or abortion of same.

Where the premises of their indigenous roots were *threatened*, such as in the case of attempts at expropriation of the land by the exogenous forces, the said agents wore their nationalist helmets in opposition and defence. Otherwise, those elements remained faithful to the exogenous forces with limited ambitions of taking their place in the colonial State apparatus. This latter placed them in difficulties with the upholders of traditional authority. That created room for British application of divide-and-rule tactics to weaken the collective of indigenous forces. The result was a forceful imposition of a *fragile* colonial State unto the dual economy.

It required a *consistent* brand of nationalist forces to resolve the disequilibrium occasioned by the emergence of a dual economy under the superintendence of a colonial State apparatus that arose from *only* the bulldozing parasitic export-oriented *aspect* of that economy. The problematic here is how to evolve a natural economy, according to the received understanding here, from the circumstance of the dual economy. Such an economy projects not only an integrated focus on *industrial development* for production based on the utilization of local natural resources for indigenous consumption and export but also for a *matching* State type.

Dr. Kwame Nkrumah in the Period of the Diarchy

One would logically expect that such a *dual* economy would evolve a State structured as a *diarchy* involving a combination of indigenous authority, representing the indigenous economy, and British authority, representing the export economy. In the circumstance, the local intelligentsia essentially *ignored* the indigenous economy and its political institutions as something apparently fit for the historical museum and sought space within the British-created State. This was reflected in the colonial Constitutions. Hence, the diarchy rather emerged *within* the British State construct *only* and, thus, was not representative of the *whole* dual economy.

As such, until 1951 when Dr. Kwame Nkrumah became the Leader of Government Business, the State was run by the British who increasingly, though grudgingly, included Africans in the lower rungs of State administration. From 1951 to 1957, Dr. Nkrumah was faced with the practical problem of working with the British administrators who still occupied the upper echelons of the State and continued to direct it in the service of *British interests*. In what follows we see him struggling to build a *new* State, that is, a natural State, based on the pursuit of *African interests*.

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Within the above-stated period, Dr. Nkrumah could not but concentrate on *systemic reform* of the colonial State apparatus whereby he directed his attention to what he called the Africanisation of the *existing* State; by that the State *personnel* were to be gradually replaced entirely by Africans. That did not involve the colonial State *apparatus' abolition* and complete *replacement* with an *entirely new State apparatus* whoever the personnel were that ran it. That was the period of the intra-colonial-State *diarchy* which he faced with the policy of *Tactical Action*.

Talking about a 'diarchy', for emphasis, should be understood in terms of the structural arrangement *within* the colonial State as differentiated from the pre-colonial motley of State systems. Though the latter were subsumed under the colonial State it might be useful to conceive a totality of a 'triarchy' of the British rulers, the nationalist rulers and the traditional rulers of pre-colonial institutions. For, the British application of the principle of *indirect rule* very fairly left intact pre-colonial institutions of power. The nationalists were to confront the other two.

Dr. Nkrumah's narratives in *Africa Must Unite* and *Autobiography* give us a panorama of nationalist forces mobilizing 'the chiefs and people' against the British *capitalist* colonial State while undermining the *semi-feudal* institutions of chieftaincy. The two-pronged assault on *feudalism* and *capitalism* was based on the mobilization and organization of the *popular masses* to evolve what was neither a reformed colonial State nor a feudal State but what he calls a 'new state'. He sees the nationalists as 'leaders of the mass of the people outside the Assembly'.

Hence, in what he calls the 'transitional period' or 'probationary period' (1951 – 1957) we observe a process of efforts to replace the British personnel in the existing State apparatus while offering the traditional Chiefs *ceremonial* positions therein, that is, without the trappings of *power*. *Beside* this *reform* process of *intra-systemic* development, he seized opportunities to *cautiously* involve the masses of the people in the building of the *new* State through their empowerment at the grassroots level in *parallel* or *alternative* institutions of local government.

This latter engagement with the *alternative* or *new State* to replace the old colonial State was hinted at on the motto page of *Ghana: The Autobiography of Kwame Nkrumah* where he placed Walt Whitman's revolutionary poem that tells 'whoever you are holding me now in hand' that their domination would have to be *abandoned*. The domination is expressed not just in physical terms of *holding* but also in terms of subjugation of the *mind* of the person held. The apt stanza of Walt Whitman's poem is cited by Dr. Kwame Nkrumah as follows:

> The way is suspicious, the result uncertain, perhaps destructive,
> You would have to give up *all else*, I alone would expect
> to be your sole and exclusive standard,
> Your novitiate would even then be long and exhausting,
> *The whole theory of your life and all conformity to the lives around you*
> *have to be* ***abandon'd***. (All italics and stress added by this author)

The *revolutionary* flavour and essence of that poem could not have escaped Dr. Nkrumah. Democracy, in Walt Whitman's times, was a revolutionary call to 'comrades'. And this is given to us in full blast when Whitman unleashes unto the world his poem on democracy under the title *For You O Democracy* thus:

> Come, I will make the continent indissoluble,
> I will make the most splendid race the sun ever shone upon,
> I will make divine magnetic lands,
>
> *With the love of comrades,*
> *With the life-long love of comrades.*
>
> I will plant companionship thick as trees along all the rivers of America,
> and along the shores of the great lakes, and all over the prairies,
> I will make inseparable cities with their arms about each other's necks,

By the love of comrades,
By the manly love of comrades.

For you these from me, O Democracy, to serve you ma femme! For you, for you I am trilling these songs. (*All italics added by this author*)

The Wikipedia entry on Walt Whitman and his poems notes that 'In the first half of the 20th century, the popular *Little Blue Book* series introduced Whitman's work to a wider audience than ever before. A series that backed *socialist* and *progressive* viewpoints, the publication connected the poet's focus on the *common man* to the empowerment of the working class … (His) work has also been claimed in the name of racial equality … Langston Hughes wrote that Whitman's "all-embracing words lock arms with *workers* and *farmers*, Negroes and whites, Asiatics and Europeans, serfs, and free men, beaming democracy to all."'

No doubt Dr. Nkrumah's attraction to his poems. For, his vision of a *socialist non-racialist* Africa had informed not only his approved draft of *The Declaration to the Colonial Peoples* at the Manchester Congress of 1945 but also *The Circle Document* written just after that Congress. It was a vision that projected the total eradication of the colonial State from African soil and its replacement with a People's State.

Tema, Ghana

June 18 2017

In the course of his long life he overcame countless adversities and rarely chose the easy and comfortable path. I met Fidel Castro many times over the years and came to appreciate his extraordinary intellect, sharp mind, and his ability to engage in constructive dialogue. Farewell Fidel.

Kofi Annan, Former Secretary General of the UN

- **Let all existing and aspiring African revolutionaries listen very well!**

Quoted in *Death and state funeral of Fidel Castro* by Wikipedia

BACK TO CONTENTS

Public Agenda Inaugural Lecture By Professor Kwame Karikari

POLITICS, HUMAN RIGHTS AND THE MEDIA IN GHANA

By
Professor Kwame Karikari

Introduction

Politics and the mass media are as interlinked as, to borrow a local expression, the teeth and the tongue. Neither can do without the other. Since the newspaper, the first medium of mass communication, was first developed, it has always served as an instrument for the pursuit of every significant social cause or movement everywhere in the world. So has radio and television broadcasting. And so today, in the 21st century, are the internet and digital media serving those same purposes. The media are instruments of mass information, education and influencing public perceptions and opinion.

They are therefore vital in the never-ending contests for the control of state power and of the management of the socio-economic resources of the society. They have been instruments for capturing and maintaining power, as well as for resisting the

injustices and abuses of power. In sum, the mass media are as vital for the promotion of cultural objects such as literacy and general social enlightenment, as they are indispensable for the promotion of social justice and political inclusiveness and popular participation.

Because the media are so central to the control and maintenance of political power and to the dominance of ideological and cultural influence, who owns and controls the media – that is media policy – has also always been a critical terrain of political and social contestation. This is the reason why the media so often become targets of suppression and restraint by varieties of social and political forces whose interests may be threatened by the media's work on way or another.

In Ghana, the story of the mass media's place in the political development of our society has followed this same general pattern.

In this lecture, we will start by surveying the role and place of the media in the political development of this country from when the newspaper was first introduced here, with a look at the media's place in political life today. We will conclude with an overview of the media's attitudes to human rights in recent years.

The colonial period

As soon as there was a community of literate people, the idea of newspaper publishing became a possibility and a necessity. And once it was established, it took on its natural role of serving as the platform for public communication in politics: the management of state and public affairs. The first Ghanaian owned newspaper was established in 1857. Exactly one hundred years after that, what is now known as Ghana became an independent new nation. The role of the newspaper in the mobilization and education of the people for the struggle for independence is well documented and assessed elsewhere.

For almost that whole period of a century, there was no foreign owned newspaper initiative until in 1950 when the Mirror Group London established the West African Graphic Company. The introduction of the Graphic newspapers changed the face of the newspaper industry and the practice of journalism forever.

But during the entire colonial period, the press was owned by the trinity of (a) the church, (b) the intelligentsia of the nationalist movement and (c) intermittently the colonial state - which, indeed, was the first to introduce the newspaper (1822) and a little over a century later the radio (1935). The church press was primarily established of Christian evangelism. But quite often the church press took up the cause of social justice. Another important contribution of the church press was the development of Ghanaian languages. Apart from the church press, the only significant effort at publishing Ghanaian language newspapers was by the state, under the Bureau of Ghana Languages, from about the mid-1950s until the mid-1960s.

The nationalist press from inception took on directly political functions of information, commentary and debate. Progressively, however, they developed an adversarial and activist character and outlook. Thus, from the end of the 19th century, nearly every important member of the nationalist intelligentsia published a newspaper. And every organised political group also published a newspaper to promote its cause. John Mensa-Sarbah pioneered the party press as he set up the *Gold Coast Aborigine* as the organ of the Aborigines Rights Protection Society, the first modern political organisation in our history. He set it up with the fees the Fanti Chiefs paid him for his services in the fight to protect their lads from expropriation by the British.

The party press

Though the UGCC, the first political party to propose colonial freedom as its objective, did not have its own newspaper, each of four of the Big Six published a newspaper or two: Ako Adjei (*The African National Times*), Akufo Addo (*The Statesman*), J. B. Danquah (Several Newspapers during his adult life. He in fact made the second important attempt to publish a daily newspaper), and Kwame Nkrumah. Danquah and Nkrumah published the most newspapers among the nationalists of their time.

The idea of the party press, publications owned and managed by political parties, was most prominent during the height of the anti-colonial struggles in the 1940s-50s. The CPP had a newspaper in a number of principal urban centres: *The Evening News* in Accra, *The Daily Mail* of Cape Coast, the *Morning Telegraph* in Sekondi, the *Takoradi Times* and the *Ashanti Sentinel* in Kumasi. The National Liberation Movement published *The Liberator*. And Kwame Nkrumah articulated most succinctly the political objects of the newspaper.

For him, the newspaper 'is collective organiser, a collective instrument of mobilisation and a collective educator – a weapon, first and foremost, to overthrow colonialism and imperialism and to assist total African independence and unity.'

After independence

After independence and under the one-party government of Kwame Nkrumah, the CPP set up the Guinea Press which published the party's propaganda and ideological newspapers and magazines to propagate socialist ideas and politics: among them, *The Evening News*, *The Spark*, several periodicals for the party's mass organisations like the Young Pioneers, Women's association, student organisations, etc. It also published for the international market *Africa and the World*, a magazine on anti-imperialism and African Unity.

The political party press was also a prominent feature during all the short-lived transitions from the military dictatorship to multiparty constitutional rule. The party press proper, however, went out of existence in the Forth Republic. It was instead replaced by partisan media – media, especially radio and television stations, owned by individual wealthy leading members of political parties but placed in the service of the communication purposes of their parties.

The state control and monopoly of the media was an intrinsic part of the structures of the one-party socialist state. The justification was that, after independence, the principal tasks of the entire society were of nation-building, national unity and economic development. These were not compatible with the cacophony of the differing, dissenting voices of privately owned and oppositional media.

To ensure conformity the post-colonial state sustained and enforced, rather than reform, the colonial legislation that made critical and dissenting voices criminal offences. These included sedition, seditious libel and criminal libel. When the Preventive Detention Act was passed, the first victims to be rounded up for detention without charge or trial included A.D. Appea and Kwame Kesse-Adu, respectively editor and Accra correspondent of the Kumasi-based *Ashanti Pioneer* newspaper.

The military dictatorships that followed the first republic maintained these same criminal laws to silence critical and dissenting voices. To ensure strict controls on private or independent press publication, each military junta, except the three-month-long Armed Forces Revolutionary Council, also re-introduced the Newspaper Licensing Law first enacted by the CPP government.

The PNDC, the longest ruling military authority, was harshest among the military regimes in silencing dissenting voices including among the media and journalists. Apart from detaining arbitrarily more journalists than others before it, it banned several publications or created conditions that made it impossible for them to operate. It was the only regime to have tried and imprisoned (for 20 years) a journalist on charges under the State Secrets Act. The PNDC's suffocation of independent voices, besides it being an inherent character of military dictatorships, was also necessitated by the regime's determination to silence any opposition to its imposition of the harsh neo-liberal economic policies, structural Adjustment Policy, dictated by the IMF and World Bank.

Radio and politics

From the very first broadcast in the US in 1919 as a medium of mass communication, radio broadcasting has also always been used in the service of all kinds of political causes and objectives. When it was introduced in the Gold Coast in 1935 Governor Arnold Hodson, who initiated the development, had no misgivings about its uses for political objectives. He said that one of the

objectives for radio was to combat the nationalists' intelligentsia's press whose publications he considered to be ''communistic'' propaganda.

During the 2nd World War, the young broadcast station, Operation ZOY as it was called, was used to mobilise the colonial subjects to support Britain and its Allies. When the government introduced the Ewe language on the station, for instance, the principal purpose was to broadcast anti-German propaganda to the people of German-held Togoland.

Radio (and later television) was introduced as a project by the state and it remained state-owned and controlled until 1995. Broadcasting policy was presented as an instrument for ''national development''. There is no doubt the Ghana Broadcasting Service, later Corporation, was possibly and most important institution in the promotion among the citizens of the new independent country the idea and consciousness of a nation called Ghana to which we all belonged. At the level of cultural integration, however, that project of building a national consciousness was quite limited. It was not until 1986, fifty years after the coming of radio, that any of the languages of the communities that later became Upper (East and West) regions were used in broadcasting.

After independence broadcasting played very successful and important roles in educating and mobilizing the people for various programmes of social, economic and cultural development. It also contributed remarkably in the construction of a united single multi-ethnic political state called Ghana. Political broadcasting, however, coming under the monopoly and control of successive authoritarian government systems – one-party and military – made little or no contribution in the development of a culture of unconstrained popular participation in public affairs discourses. Instead, it became an instrument for promoting what, under the PNDC, became known as the ''culture of silence''.

Under the PNDC, not only was access to the state-owned media closed to civil society and independent, much less critical, expressions. The regime employed some of the private press also in hounding persons and groups perceived to be opposition ''saboteurs''. The regime used the press as surveillance of its perceived and real critics, in the process setting them up in the public mind as enemies so as to manufacture justification for their repression.

In this period, the Ghanaian political exile community also set up press publications which were smuggled into the country to mobilise resistance to PNDC rule from afar. Inside the country, they still continued relentless efforts at publishing independent newspapers against the strictures of the Newspaper Licensing Law.

In this throttling environment, one channel which some of the irrepressible spirits of freedom of expression used in their yearning to voice critical opinion was through columns of the many sports and lotto newspapers that proliferated in the 1980s. These were columns written in Aesopian style that employed satire, euphemisms and proverbs in the commentaries on national political affairs under the PBDC but disguised as sports issues.

It was all very logical then that, even before the repeal of the Newspaper Licensing Law in the 1990s, the return to constitutional democratic governance was heralded by a spring, a flowering, of private press initiatives from the last years of the 1980s. The champions of the new era of free speech and free press included Tommy Thompson's *Free Press*, Kofi Coomson's *The Ghanaian Chronicle* and Kabral Blay Amihere's *The Independent*. It was also to be expected, considering the repressive experiences of PNDC rule, that the language of the newly freed press would be robustly uninhibited, absolutely irreverent to authority and decidedly focused on attacking the person, family, cronies and comrades of the architect of PNDC rule, Jerry John Rawlings.

The media in the Fourth Republic

The two most enduring outcomes of the democratic reforms and constitutional governance of the Fourth Republic are (a) free, fair, transparent and peaceful elections, and (b) the prevalence of freedom of speech and of media. And it can be said without any contradiction that the progress of democratic elections has been sustained and advanced by media freedom and citizen's freedom of speech and expression.

Indeed, the most important developments in the fourth republic that have facilitated and expanded media freedom and free speech are the introduction of independent and private broadcasting, the end of state monopoly and control of broadcasting, and the arrival of the new communications technologies of digital media and mobile telephony. The global and local political environments aside, innovations in the technologies of communication in the 1980s and 1990s made untenable, impossible and unsustainable state monopoly and control of mass media and information dissemination. These facilities, enabled by constitutional guarantees and civil society commitment to protecting these rights, have promoted the phenomenal citizen participation in public affairs discourse via mass media.

As with newspapers from old, political parties have made use of broadcasting in their contest to control state power and the management of public resources. The

result is partisan capture of broadcasting and of the public discourse; and, thereby, the polarization of public affairs debating which threatens the promotion of a culture of democratic discussion for public affairs.

However, even more serious for the future of unencumbered media pluralism and cultivation and tolerance of diversity of opinions in the media, indeed for the essence of freedom of expression through the media, are developments in trends in media ownership in the country. In a two-part article appearing in its issues of April 27 and 30, 2015, the ***Public Agenda*** warned that the ownership dynamics in the private media industry show a pattern towards "convergence of business, politics and media". In other words, there is a growing tendency toward concentration and monopoly of media, especially in broadcasting. And this development is even the more insidious and inimical to free speech considering the fact that there is, as the ***Public Agenda*** put it, "a nexus" of interests between business and politics.

The development takes the form of politicians in business, on one hand, and business people invariably with connections on all sides of the political divide on the other, together owning controlling sections of the commercial media. In terms of media policy and regulation, we have already seen the potential dangers this trend poses for democratic practice. The first is that frequency management by the NCA has been densely opaque. The second is that successive governments and Parliament have refused to enact a broadcasting law that might put some limits to this inimical development that threatens to subvert freedom of expression, not from the state but, from the private business sector.

But can a democratic reform-oriented broadcasting law slow down or reverse this trend for the promotion of unencumbered media independence and pluralism? But it may even be questionable if the media ownership cabal of an alliance of political and business elites will encourage enforcement of rules and regulations that threaten their hold on these vital instruments of economic, political, ideological and cultural dominance.

The Ghanaian media and human rights

Madam Chair, I want to end with a short overview of the Ghanaian media's attitudes and handling of human rights issues.

States have predominantly always been the perpetrators of human rights violations and abuses. In recent decades, as a result of so many factors, non-state ac-

tors, including especially various kinds of armed combatants, have also joined the league of perpetrating human rights violations. Yet the state still leads the race.

With this as the context, it is hardly conceivable that in countries like Ghana with long decades of state monopoly and control the media would investigate and cover human rights issues.

However, the state-owned media have sometimes exposed human rights abuses and advocated for reforms when the issues were of cultural and other social origins and do not confront the state as perpetrator. It is in this context that the state-owned media exposed and called for reforms concerning the ***trokosi*** phenomenon in the Volta Region, the witches' camps in the Northern Region and against practices such as female genital mutilation and for improvements in the lives of female potters, ***kayayei.*** Interestingly, these and others the state media have often addressed relate to women's collective rights but not the civil and political rights regarding personal liberties of citizens which are often the terrain of state repression and violation.

The private media, on the other hand, when the environment permits, have often taken up causes of human rights protection. The introduction of investigative journalism in the fourth republic and the use of broadcast programme formats such as the radio documentary have enabled sections of the independent media to investigate and expose cases of violations of rights. Even then, it appears all the media have concentrated more on socio-economic rights issues than they have done on issues pertaining to civil and political rights.

The media's limitations on reporting on human rights are due to institutional weaknesses such as lack of investigative capacity and excessive focus on officials of government or public and traditional institutions. Most media do little independent research and do not question critically government actions and policies. Most media reports are news reports and not much in-depth features based on research and investigation. Usually too, the media make very little or no follow-ups to news reports on rights violations for findings by non-governmental organisations working in the field of human rights and governance.

Conclusion

Generally speaking, the media could do much more under the prevailing conditions of freedom of the media and citizen's expression in investigating and seeking redress for violations of citizen's right. It is to be acknowledged also that, vio-

lations of civil and political rights, such as personal liberties, under the Fourth Republic are not likely to be widespread and alarming as they were under previous authoritarian and dictatorial political regimes. What are obviously visible are social and economic rights of citizens which demand constant media exposure, campaigning and advocacy for resolution and reforms.

The first is the threat to media pluralism and independence posed by the ownership trend toward concentration and monopoly. The second is the gaping absence of coverage of issues concerning the conditions and interests of the poor, the working classes, and thereby the majority of the labouring masses. These are the social groups whose votes count but whose voices count very little in the corridors of power. Perhaps their voices do not reach the powerful because they themselves do not shout, are not organized, do not have their own political parties, and therefore the media too can afford to ignore their existence.

Paper presented at the Public Agenda (www.publicgendagh.com) Inaugural Lecture
December 11, 2017 at DuBois Centre, Accra

BACK TO CONTENTS

GHANA ACADEMY OF ARTS AND SCIENCES

FOUNDER'S WEEK – 2016

PRESIDENTIAL ADDRESS

15 November 2016

"MARCHING FORWARD TO THE PAST:

From Newmont II, back to Newmont I - via Gold Fields"

Akilagpa Sawyerr, FGA

PRESIDENT

GHANA ACADEMY OF ARTS AND SCIENCES

INTRODUCTION

In my Address last year, I reported that the Council of the Ghana Academy of Arts and Sciences had been engaged in a vigorous exercise to rethink and re-vision the Academy, its ways of work and its relations with its stakeholders and society generally.

Among the main elements of this drive were the strengthening of the Academy to undertake and manage funded research projects, the development of

structured relations with relevant public agencies and other stakeholder bodies and the initiation of a National Dialogues series, to provide platforms for the informed discussion of critical national and global issues.

It was recognised that key to success in all this was the reorganisation and strengthening of the Chapters of the Academy to provide focussed intellectual leadership in the various thematic areas.[1] Now that the Chapters are fully established and set to work, it is our hope that all the new initiatives will in time contribute to extending the reach and effectiveness of the Ghana Academy of Arts and Sciences in the fulfilment of its ambitious mandate as the principal learned society in Ghana.

For this evening's address, I take the liberty of departing from the established form of Ghana Academy Presidential Addresses in order to bring up a set of issues that I believe ought to engage the attention of, not only the scholarly community, but also the broader citizenry.

This will place me in the role of a *public intellectual*, that is, one who "speaks and writes about her or his discipline and how it relates to the social, cultural, and political world around it".

True to this posture, I propose to

• tell a story - about an aspect of national life with which I have some familiarity, namely, negotiating on behalf of the state, and,

• in the process, pose a few questions.

The expectation is that some here may feel the urge to check the information, investigate and follow up on some of the issues highlighted or, indeed, to challenge any positions advanced.

THE GENERAL CONTEXT

The general backdrop to my presentation is the arrangements we have adopted for the exploitation and management of our natural resources, specifically, hard minerals. As is well known, mining has for centuries occupied a significant place in social, economic and political life in what is now Ghana. Wars have been fought, empires erected and destroyed, and lives transformed in the course of exploiting, trading and processing minerals, particu-

[1] The thematic areas are: *Education; Health and Sanitation; Political, Constitutional and Legal Affairs; Food and Agriculture; Language, Culture and the Arts; Natural Resource, Energy and Environment; Social and Economic Affairs; and Science, Technology and Engineering.*

larly gold. The continuing significance of mining today is due to the fact that, together with quarrying, it accounts for a substantial portion of national revenue and hard currency earnings - between 23.7% (2010) and 16% ((2014) of overall fiscal receipts by the Ghana Revenue Authority; 62% (2010) and 34.7% (2014) of total merchandise exports; and 2.3% (2010) and 0.8% (2014) of GDP[2]

The mineral resource endowment of the country is, thus, a vital base for national development, and arrangements for its exploitation and use are critical factors in the quest for the improvement of national life. A further point of note is that mineral resources are non-renewable. This brings up the question of intergenerational equity – how to use the fruits of such a wasting resource in a manner that also benefits future generations, for instance by building up social and capital infrastructure to enhance production and productivity into the future.

For these reasons, the national Constitution provides that all minerals found within the territory or offshore Ghana are vested in the President of Ghana in trust for the people of Ghana. The clear implication is that the President, as trustee, is obliged to ensure that all such minerals are exploited and managed effectively and exclusively in the best interests of all the people of Ghana, today and into the future.

Figure 1

Over the past century and more, except for a brief period of state control in the 1960s and early 1970s, Ghana has followed the general pattern in Africa of having the bulk of its mineral resources extracted and exported in raw form by foreign capital, the principal benefit to the state being revenue and, especially, access to hard currency. The reasoning is that the application of such revenue should form the basis for the continuous expansion and development

[2] *Final GHEITI Report on the Mining Sector- 2014*, Ghana Extractive Industries Transparency Initiative (GHEITI), Ministry of Finance: December 2015

of the economy for the benefit of Ghanaians today and in the future. From this 2 Final GHEITI Report on the Mining Sector- 2014, Ghana Extractive Industries Transparency Initiative (GHEITI), Ministry of Finance: December 2015 3 perspective[3] , it is vital to ensure that arrangements for the exploitation mineral resources yield as much revenue to the state and the people of the country as possible.

In recent times, particularly since the mid-1980s, the strong focus on attracting foreign direct investment into mining led to the granting of substantial fiscal and other concessions in mining agreements with transnational corporations. While this contributed to an acceleration of foreign investment in mining, especially gold mining, it tended to reduce the proportionate share of the state in the resulting revenues. This contradictory movement became manifest when, following the rapid increases in mineral prices on the world market, especially for gold (Figure 1), the concessions regimes in mining agreements contributed to a blatantly unequal distribution of the benefits between the state and foreign investors. The mining companies, retaining the bulk of the revenues, generated inordinate profits - estimated to have increased at an average annual rate of 20% between 2003 and 2011 for the major mining transnationals – without a proportionate rise in the state's take. The low take of the state from the exploitation of such a wasting resource is illustrated by the case of Gold Fields Ghana Limited, one of the three major mining companies in Ghana. (Table 1)

Table 1 GOLDFIELDS GHANA LTD (TARKWA & DAMANG)[4]

Year	Production (oz.)	Realized Value (US$)	*Payments to Gov't (US$)	% Paid to Gov't
2006	916,853.72	542,194,633.19	36,339,657.76	6.70
2007	841,382.71	572,948,032.35	28,227,370.90	4.93
2008	820,908.91	718,453,760.89	50,403,350.44	7.02
2009	866,635.10	843,047,075.14	57,502,861.98	6.82
2010	961,264.00	1,164,401,217.26	238,333,271.83	20.47
2011	936,334.68	1,468,917,096.93	541,141,657.36	36.84

*Payments include: mineral royalties, property rates, corporate tax & dividends, except 2010 & 2011, which did not include property rates and dividend.

[3] Other perspectives emphasise not so much the state's revenue take, but more the integration of mining into the local economy so as to expand and diversify local production. See, e.g., *African Mining Vision*, 2009; ECOWAS *Directive on the Harmonisation of Guiding Principles and Policies in the Mining Sector*, 2009.

[4] While it is the case that the costs of production were rising at the same time as the gold price, their rise was nowhere near as steep as the rate of increase in the realised value of gold exports. Incidentally, the figures for the other major mining companies in Ghana - AngloGold Ashanti and Newmont Ghana Ltd. - are similar.

As similar stories unfolded elsewhere across the continent the model came under criticism, with pressure building up for policy change, essentially, to tie minerals exploitation more directly into national production and to increase the share of the state in the economic rent generated by mining. The movement was spearheaded by the African Union, the Economic Community of West African States and other regional economic bodies.

In time, this led to a series of measures including (a) changes in the law to increase taxes and royalties and (b) renegotiation of existing agreements to remove or limit concessions - in the Democratic Republic of Congo, Guinea, Namibia, Sierra Leone, South Africa, Zambia and Zimbabwe.

Ghana was very much a part of this movement. Among the measures we introduced were:

• a change in the royalty rate from a range of 3%–6% (invariably stuck at 3%), to a flat rate of 5%;[5]

• an increase of the corporate income tax rate for mining companies from 25% to 35%;

• changes in the methods for calculating income tax to close vital loopholes; and,

• more recently, the renegotiation of mining agreements, starting with that covering the mines of Newmont Ghana Gold Ltd. and Newmont Golden Ridge Ltd, to remove or limit excessive concessions granted in the original agreement.

In what follows, and against the backdrop of this quick sketch of the continent-wide push towards the transformation of mining regimes and enhancement of the state's share of mineral rent, I hope to surface two sets of issues in Ghana's recent practice in this area.

The first set relates specifically to the negotiation of mining agreements on behalf of the state, in order to secure the most from investments in mining. This covers

(i) institutional arrangements and processes for effective negotiation of natural resources investment agreements; and
(ii) the experience and technical expertise of those charged with the conduct of the negotiations – including adequacy of preparation and freedom from political or other interference.

[5] Minerals and Mining (Amendment) 2010, Act 794

A second, more general set of issues, touches on the commitment of office-bearers to act truly in the public interest, not for individual or narrow partisan advantage.

1. THE STORY OF THREE MINING INVESTMENT AGREEMENTS

This is the story of three sets of mining agreements - the background and histories of their negotiation. In the time available, I can do no more than present the briefest outline of the relevant features of each of the stories.

❖ Newmont I

In 2003 a draft Investment Agreement was submitted to the Government of Ghana by Newmont Mining Corporation of Denver, Colorado, USA[6], in respect of mining leases held by its local subsidiaries for prospects at Ahafo in the Brong Ahafo Region of Ghana and Akyem in the Eastern Region. The draft agreement[7] was referred to the Minerals Commission for assessment and advice, as required by law. Following a hurried review by the Commission, the Chairman of the Commission sent a report to the Minister of Mines, listing up to 33 grounds of objection to the draft presented by Newmont. These related, among other things, to unduly favourable terms on corporate income tax, mineral royalty, duty exemptions and forex repatriation; use of water and timber; use of aircraft; and access to airports, landing strips, etc., as well as the provision that where terms of the agreement were in conflict with national and international law, the former prevailed! The report ended with this observation:

> *"It is the view of the Commission that Government would be setting a bad precedent if approval is given to this Agreement in its current form* ***quite apart from the fact that a number of the provisions . . . are contrary to the laws of this country****."* (Minerals Commission to Minister of Mines, Aug 26, 2003) (Emphasis supplied)

[6] Newmont Mining Corporation, based in Colorado, USA, is a mining company with active gold mines in Nevada, Indonesia, Australia, New Zealand, Ghana and Peru. As of the third quarter of 2014, Newmont was the world's second-largest producer of gold.

[7] While this Newmont draft represented a substantial departure from the then existing minerals regime (under the Minerals and Mining Law, 1986 (PNDCL 153)), it anticipated a new regime then under discussion, finally enacted in 2006 (Minerals and Mining Act, Act 703).

With no reaction from the Minister, as far as records show, with no further engagement with the Minerals Commission, and with none of the issues raised by the Commission addressed, the Investment Agreement was signed on 17 Dec., 2003. It was ratified by Parliament on Dec 18, 2003, one day after signature. That, in brief, is the story I call **Newmont I**.

❖ **Newmont II**

Six years later, in 2009, in the spirit of the continent-wide movement earlier referred to, the newly-elected President of Ghana, President J E Atta Mills, took advantage of a courtesy call by the head of Newmont Mining Corporation to press the point that the terms of 2003 Agreement needed urgent adjustment to bring it in line with contemporary realities. Newmont readily agreed to a renegotiation of the 2003 agreement.

Between 2009 and 2011, a series of meetings were held between Newmont and various Ministerial and Inter-Ministerial committees, sometimes simultaneously! Finally, in June 2011, a Technical Review Committee was set up to review **Newmont I**, and help move the process on.

In its report[8], the Technical Review Committee listed as grounds for renegotiation, much the same issues as those raised by the Minerals Commission before the signing of the Agreement in 2003 (mentioned above). The Committee concluded that the Agreement had to be renegotiated because

> *"several provisions contravene the Constitution of the country and the Minerals and Mining Act, 2006 (Act 703)",*

and that to do the negotiation,

> *"a team of seasoned negotiators [should be assembled] to engage Newmont on the issues outlined in this report . . . ."*

Following the recommendation of the Technical Review Committee, a National Mining Review Committee (MRC) was inaugurated on 31 January 2012, to review the national mining regime generally, and undertake the renegotiation of mining agreements with stability provisions. I had the honour to be appointed Chair of the Committee and Chief Negotiator for Government.

The MRC initially engaged separately with **Newmont** and the two other major mining companies – AngloGold Ashanti and Gold Fields Ghana – which had

[8] Executive Summary, Review of Newmont Ghana Gold investment Agreement, June 30, 2011

stability provisions. It was decided to focus on Newmont to begin with. After extensive preparation, the Committee went into hard negotiations with Newmont over a period of 2½ years. In November 2014 we concluded the negotiation of new Investment Agreements (**Newmont II**) with the two local affiliates of Newmont Mining Corporation – *Newmont Ghana Gold Ltd*. in respect of the mine at Ahafo, and *Newmont Golden Ridge Ltd.* in respect of the mine at Akyem.

The terms of **Newmont II** addressed virtually all the excesses pointed out by the Minerals Commission in 2003 and repeated by the Technical Review Committee in 2011. Briefly put, the new agreements altered in our favour, the fiscal regime (income tax, mineral royalty, duty exemptions, forex repatriation, etc.) and many other terms. Several other fiscal and non-fiscal terms, such as use of aircraft, private security and provision for the agreement terms to override national and international laws, were discarded outright. In addition to all these other positives, we got Newmont to agree to pay what amounted to a "signing on premium" – an upfront cash payment of USD27million[9], duly paid to the Ministry of Finance a month after Parliamentary ratification of the agreements!

It is this successful move to correct the lop-sidedness of **Newmont I** to the extent possible, and remain consistent with the continental drive to increase the share of the state in natural resources rent that is referred to in the title to this lecture as a *forward march*.

To round up, it might be noted that the **Newmont II** agreements were concluded in November 2014; signed in May 2015; approved by Cabinet and submitted to Parliament for ratification in June 2015; and ratified by Parliament in November 2015 – *a total of 12 months from conclusion to ratification*. Quite a change from **Newmont I** - ratified by Parliament ONE DAY after signature!

[9] This was made up of payments in lieu of past dividends under a new provision, as well as payments in consideration of the concessions retained in the agreements. The Parliamentary Select Committee on Mines and Energy, welcoming this innovation, recommended that "all future mining leases should incorporate such provisions" [*Parliamentary Debates, Official Report*, 26 Nov. 2015, Col. 828.

❖ **Gold Fields**

Now for the third section of the story. As part of its original mandate, the Mining Review Committee (MRC) established and maintained contact with Gold Fields Ghana Ltd., one of the three leading mining companies in Ghana, building up a dossier of background information and statistics on the company as well as Gold Fields Ltd., its parent company[10], in preparation for direct negotiations. Following the conclusion of the Newmont Agreements (Newmont II), the MRC began formal negotiations with Gold Fields in May 2015. This involved a series of meetings, information gathering and options development, culminating in Gold Fields submitting a draft proposal for negotiation. It became clear from the proposal that the concern of Gold Fields was to take advantage of Section 49 of the Minerals and Mining Act (Act 703) to obtain a stability agreement with appropriate fiscal concessions for investments it proposed to make at its mines in Tarkwa and Damang – concessions of the sort enjoyed by Newmont and AngloGold Ashanti. In August 2015 the MRC, therefore, suspended the negotiations in order to enable Gold Fields bring up its proposals for new investment in the usual manner, that is, through the Minerals Commission, which was the proper body to receive such proposals, and the best equipped to do the necessary initial assessments.

The MRC heard nothing further about this till February 2016, when it received the surprising news that a draft agreement had been settled between Government and Gold Fields, awaiting Cabinet approval and signature. As Chairman of the MRC, I asked for and received a copy of the draft agreements for review. After a hurried review I sent in comment on the draft, pointing out a number of what I considered serious flaws in the draft, concluding that:

> *"… on the basis of a quick assessment and for the reasons given above, the Gold Fields Development Agreements are …. unsupportable in their present form."* [Chair, NMRC to Min of Lands and Natural Resources/Min of Fin. /Minerals Commission, Feb 8, 2016]

Though Cabinet reportedly took note of our comments and asked for appropriate modifications in the final draft, the Agreements were signed on 11 March 2016, *virtually unchanged*.

They were tabled in Parliament on 16 March 2016 and referred to the Select Committee on Mines and Energy the same day. The Committee reported back

[10] Gold Fields Limited is one of the largest gold mining firms in the world. Headquartered in Johannesburg, South Africa, the company is listed on both the Johannesburg Stock Exchange (JSE) and the New York Stock Exchange (NYSE), and owns and operates mines in South Africa, Ghana, Australia and Peru.

the following day, 17 March! As reported in the Hansard[11], Parliament first waived the Standing Order requirement for a 48- hour wait, thereby enabling the motion for approval to be immediately put for consideration by the House. The motion, which was tabled at 9.30 pm, was approved and the Gold Fields Agreements were ratified at 9.40 pm. Thus, the substantial and complex investment agreements *were ratified by Parliament after fully 10 minutes of discussion on the floor of the House, one day after they were first tabled, and one week after they were signed!*[12]

It is difficult not to see the similarity between the circumstances surrounding **Newmont I** and **Gold Fields** – receiving Parliamentary ratification one day and one week, respectively, after conclusion of the agreements - in contrast to Newmont II, ratified a year after conclusion!

However, the similarity/difference go beyond the rush and superficiality of the approval process in the first two cases. As will become clear from what follows, they pertain as well to the substance of the agreements, since the terms of **Gold Fields**, like **Newmont I**, but unlike **Newmont II**, run counter to the continental trend and recent Ghana efforts to increase the state revenue share from mining enterprises.

Hence the reference to *"MARCHING FORWARD TO THE PAST"* in the title of this lecture.

But, enough of storytelling! What does all this amount to? Simply put, in addition to the circumstances of their negotiation and the rush to ratification, the terms of the Gold Fields agreements take us away from the direction pointed by **Newmont II**, and run counter to trends elsewhere on the continent, as described above.

[11] *Parliamentary Debates, Official Report*, 17 March 2016, Col. 3558-3587

[12] Curiously, neither the Select Committee nor the full House commented on the absence of a provision for a signing on premium, which the Committee had recommended be copied from Newmont II and applied to all future leases! (See footnote 12, above)

2. FLAWS IN REVISED GOLD FIELDS AGREEMENTS

There is not enough time to detail all the flaws in the agreements. What I propose, instead, is to demonstrate the general proposition by reference to a few illustrative items.

a. Fiscal Give-Away

The first issue relates to the concessions made in respect of the fiscal regime. The rate of corporate income tax, which, at the time, stood at 35% for mining companies, was reduced to 32.5%, and that of royalty from a flat 5% to a range of 3% - 5%, indexed to the gold price. Other concessions affected the basis for calculating corporate tax and import duty charges. According Gold Fields' own estimates, the new fiscal concessions would have saved the company up to USD33million for the 2015 tax year, and will save it USD26million for 2016.

What is the basis for these give-aways by Government? The official justification has two elements. The first was the desire to level the playing field by giving Gold Fields what Newmont got in **Newmont II**[13] - a rather naïve argument in the circumstances. For a start, while the terms of **Newmont II** represented a substantial *enhancement* of the benefits Ghana enjoyed under Newmont I, the same terms in the Gold Fields agreement represented a *reduction* of what we had prior to the negotiations. In any event, we did not consider the outcome of **Newmont II** as ideal, such as would constitute a proper benchmark for future agreements. Given the overgenerous concessions in Newmont I, we could do no more than claw back as much as we could. Had we started with a clean slate, we would undoubtedly have allowed fewer concessions than we had to in the circumstances. To use the outcome as a benchmark for negotiations about a fresh investment, where the investor is seeking extra benefits under the agreement, is a major misjudgement of the situation.

The second leg of the official justification was the need to give relief to Gold Fields, which was supposedly in dire straits, putting local jobs at risk[14]. Clearly, this is not a sustainable line either. Nothing in the relevant legislation au-

[13] See Dep. Minister of Finance, Ato Forson, in interview with Maxwell Adombila Akalaare, http://www.graphic.com.gh/business/business-news/gold-fields-to-invest-us-2-5bn-over-11yrs.html.

[14] Nii Osa Mills, Minister of lands and Natural Resources (http://thebftonline.com/business/mining/18945/niiosah-mills-justifies-govt-gold-fields-agreement.html#sthash.U9YL3Ega.dpuf); Ato Forson, Deputy Minister of Finance (http://pulse.com.gh/business/goldfields-ghana-finance-minister-justifies-goldfieds-tax-exemptionsid4965795.html); Tony Aubyn, CEO, Minerals Commission (http://www.ghanaweb.com/GhanaHomePage/business/Minerals-Comm-debunks-TWN-allegation-againstGoldfields-428916

thorised giving relief to hard-pressed mines through the grant of fiscal concessions in a stability agreement. Putting that aside for a moment, one wonders, did the Minister of Lands and Natural Resources and his advisers really believe that, without these particular fiscal give-aways, Tarkwa and Damang were both on the brink of disaster? Local jobs at risk? Really?

For a start, the mines at Tarkwa and Damang, being separate mines, owned by separate companies under separate leases, in different locations, and under different economic and material conditions are separate entities under the law, and should, therefore, be considered separately. Taking Tarkwa first, the panic about impending disaster is difficult to reconcile with the following observation made by the Chief Executive Officer of Gold Fields about a month after the ratification of the agreements:

> *"**Tarkwa is doing reasonable well**, but we have to remember the gold price has come down from the highest of $1,900 dollars in 2013 to currently $1,200 dollars an ounce. So we have to tighten our belts in a number of areas."*[15]

On what basis, then, could government negotiators have formed the view that Tarkwa, for one, could not survive without the bailout?

Turning to the mine at Damang, it had undoubtedly been in difficulty, with poor returns in 2013, leading to job lay-offs, etc. But could this be justification for the substantial fiscal concessions, locked in for 11 years? Did the Minister and his advisers not know that:

- Damang had reportedly already laid off some 500 workers, who had been accommodated within the mining sector?[16]
- given the cyclical nature of gold price movements on the world market, a price rebound and profitability were entirely predictable?
- in the 5-year period to 2014, with the exception of 2013, Damang had been in profit (as had Tarkwa), paying dividends, and earning returns on equity (ROE)

[15] Nick Holland, CEO, Gold Fields, April 29, 2016 (http://citibusinessnews.com/index.php/2016/04/29/q-a-withceo-of-goldfields-nick-holland/

[16] http://www.ghanaweb.com/GhanaHomePage/business/Goldfields-rules-out-layoffs-despite-declining-goldprices-428080

at rates higher than those of their parent company and the average for the industry? (See Table2)

Table 2: RATES OF RETURN ON EQUITY (%)

	Abosso Gold Fields Ltd. (**Damang**)	Gold Fields Corp. (Parent company)	Industry Average
2010	**39.01**	3.78	26.52
2011	**61.86**	28.45	27.39
2012	**27.83**	13.00	13.63
2013	**-140.51**	-15.2	8.19
2014	**3.90**	3.78	11.46

It is clear from all that has been said that, had there been a fuller grasp of the relevant information and sharper thinking by our negotiators, the panic that led to the granting of such concessions, even beyond what was allowed by the law, would not have occurred.

b. **Technical Deficiencies**

Besides difficulty in justifying the concessions under the prevailing circumstances, there were serious technical flaws in the agreements as finally signed and ratified.

i. **Some concessions almost certainly illegal**

The fiscal concessions in the agreements were granted under Section 49 of the Minerals and Mining Act, 2006 (Act 703), which gives the Minister power to grant enhanced concessions in a development agreement with the holder of a mining lease, "where the proposed investment will exceed" a stated amount. Such concessions will typically include the stability arrangements set out in Section 48 of the Act.

The first point of note is that the enhanced concessions under Section 49 are explicitly intended to attract and encourage new investments into mining, not to reward investments already made (nor to bail out companies in trouble!). The relevant portion of Section 49 reads:

"(1) The Minister on the advice of the Commission may enter into a development agreement under a mining lease with a person where the proposed investment by the person will exceed US$ five hundred million.
(2) A development agreement may contain provisions,
(a) . . .

(b) . . .
(c) on stability terms as provided under Section 48."

In spite of the clear words of the provision, the preamble to the agreements states, strangely, that Gold Fields, having already invested in Tarkwa and Damang, "therefore qualifies under Section 49 [of Act 703] to enter a development agreement with enhanced investment terms…"!

A second, more serious issue is that, the stability terms available under Section 48 provide for the fixing of the fiscal regime as it exists under the applicable law at the time of the grant, so that, for the duration of the stability period, rights acquired by the investor "shall not be adversely affected by subsequent changes" in the fiscal law. Nowhere in the section, nor anywhere else in the Act, nor in any other legislation I am aware of, is the Minister given power to alter or reduce existing rates, or soften the provisions for calculating taxes, etc. Thus, the purported reduction of corporate income tax and royalty rates in the stability provisions of the Gold Fields Agreements would appear to be ultra vires and of no effect!

ii. Government interest inadequately secured/protected

As indicated, a condition for invoking Section 49 is a commitment by the leaseholder to make fresh investments in a new or existing mine. Thus, the preambles to the Gold Fields agreements refer to a commitment by Gold Fields "to invest in the future an amount of ... during the life-of-mine of the Tarkwa and Damang Mines".

As expressed during the ratification process in Parliament, the agreements would pave the way

> *"…for the investment of two billion, five hundred and fifty million United States dollars ... over the life of the mines…*
>
> and
>
> *"The investment is expected to increase current production to one million ounces per year."*[17]

Surprisingly, one looks, in vain, for any provision or term in the agreements committing Gold Fields to make this or any investment at all, or setting out sanctions for non-performance! What we have, instead, are expressions of na-

[17] ORDER PAPER for the Thirty-Second Sitting of the First Meeting of Parliament, Thursday, 17th March, 2016, para. 3580.

ïve hope by Government representatives that Gold Fields will honour promises it had made, presumably off the record, to our negotiators or to Government!

The situation is, therefore, that, in place of a legally enforceable obligation set out in the agreements, our negotiators opted to rely on off-the-table assurances!

That the picture is nowhere near as rosy as Parliament was led to believe, can be gauged from the following excerpt from an interview granted by Nick Holland, the CEO of Gold Fields, a month after the ratification:

> *"**Citi Business News**: With this arrangement [i.e., the new agreements], what is the lifespan and what is your gain, was it a win-win situation?*
>
> *"**Nick Holland**: It is a win-win because what we can do here is; we think there is a good opportunity now for us to come up with reinvestment, case for Damang we still working through the numbers we haven't finished yet. We should be finished with the analysis and recommendation to our board by the middle of the year and then we would be able to make a decision but certainly, I think the development agreement puts us in a strong position to bring about a longer term profile for Damang and for Tarkwa."*[18]

To the same effect, another interview granted days after the agreements by a spokesman for Gold Fields:

> *"… the company … had not yet decided whether to inject more cash into Damang, one of two mines operated by Gold Fields in Ghana, or suspend operations there, company spokesman Sven Lunsche said.*
>
> *"This [the new agreement] is obviously a positive input into our decision-making process, **though we are considering many other economic, financial and mining variables** in the process," Lunsche added, referring to the agreement with the government."*[19] *(Emphasis supplied)*

Thus, in return for binding ourselves to the enhanced concessions in the agreements, and *locking them in for 11 years in the case of Tarkwa and 9 years in the case of Damang*, what did GF commit to? Answer: *nothing – not one cent!*

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[18] [18] http://citibusinessnews.com/index.php/2016/04/29/q-a-with-ceo-of-goldfields-nick-holland/

[19] http://pulse.com.gh/business/damang-mine-gold-fields-ghana-deal-may-safeguard-2-000-mining-jobs-id4857992.html

What is our legal recourse, should Gold Fields fail to invest or, indeed, proceed to lay off more workers while enjoying the concessions? Answer: *none!*

Can we unilaterally withdraw any concessions in response to non-performance of the off-the-record promises? Answer: *definitely not!*

Let us be clear - while Gold Fields may yet decide to invest, the bottom line is that it remains *uncommitted, undecided and unbound*, within the terms of the agreements!

Leaving the Government so exposed is a glaring instance of technical incompetence on the part of our negotiators. What is surprising is that they had access to the Revised Newmont Agreement (**Newmont II**), which had addressed this particular defect! It was precisely to close what is an obvious gap in Section 49 of Act 703 that we devised and inserted what we describe as the ''extended stability principles'' in Article 4.3 of **Newmont II**. The Article provides that[20], in order to enjoy the enhanced concessions for a period beyond the agreed stability period, Newmont has to present an *extension plan* acceptable to the Minister, *committing to invest*

- o a stated *minimum amount* (Art. 4.3 (a));
- o within a set time (Art. 4.3 (a));
- o with a stated *expected outcome* - specified increases in gold production, or extension of life of mine, or local employment (Art. 4.3 (b);
- o subject to *sanctions* for failure to perform, i.e.,

"Should the conditions [for the grant] fail to be satisfied on the basis and within the period described … the Government may rescind the Extended Stability Period and [Newmont] *will thereafter become liable for any additional Taxes and Duties that would have accrued but for the extension of the Basic Stability Period." (Art. 4.3 (d))*

Clearly, this was not applicable in **Newmont II**, nor was it intended to be, because that agreement dealt with pre-existing, not prospective investments. There was, nevertheless, a definite understanding that, in order to close the gap in the law, the extended stability principles were to be applied to *all future grants of enhanced concessions under Section 49 of Act 703. That is, for the future, all grants of enhanced concessions under Section 49 must be conditioned on an explicit and enforceable commitment by the investor to make fresh investments*. Presuming to follow the **Newmont II** example, the negotiators of the Gold Fields Agreements applied the principles only to *future additional* investments (Clause 4.3). This represents a critical failure to appreciate that

[20] Art. 4.3 (d)), Ghana-Newmont Investment Agreement (2015)

in **Newmont II**, because we were dealing with pre-existing concessions balanced by *pre-existing* investments, we had had to limit application of the principles to future investments. The case of Gold Fields was quite different to the extent that the quest of the company for Section 49 concessions could only be founded on *fresh (proposed) investments*, according to the express terms of the section. Therein lay the fatal problem for the Gold Fields negotiations – the negotiators were (mis)applying Section 49 to grant enhanced concessions, effectively, for *pre-existing* investments, contrary to the clear terms of the section!

To sum it up, it is difficult to avoid the conclusion that, just as in **Newmont I** (2003),

- *Ghana gave away more than we had to in the revised Gold Fields Agreements;*
- *the enhanced concessions given in the agreements were almost certainly illegal, and*
- *all this could have been avoided, had there been competent and committed negotiations on behalf of Ghana!*

But could this be put down solely to naivety? Ignorance? Incompetence? Hardly!

The negotiators had available to them **Newmont II** that, as shown above, provided the bases for a more professional effort. They had at their service the MRC, negotiators of Newmont II – indeed, several of the public officers involved in the **Gold Fields** negotiations had been members of the MRC!
So, what happened? Who, by-passing the collective experience of the **Newmont II** negotiators, chose to concede so much to Gold Fields, without, at least, securing our interests? For what considerations – policy? Political advantage? Personal gain?

LESSONS

What lessons are we to draw from this story? I am sure each of us will have our own list. Mine, briefly put, are as follows:

a. Technical/Political

The use of politician-dominated, non-expert bodies to conduct technical negotiations in **Newmont I** and **Gold Fields** - in the latter case bypassing a negotiating team that successfully renegotiated **Newmont II** and was available to undertake or back the technical negotiations. This wilful playing down of

technical competence, professionalism and experience raises serious questions about the good intentions of the decision-makers and their commitment to the public good.

Table 3: Meetings between Government of Ghana and Vodafone Group between November 2007 and May 2008*

Date	Date Location (if known)	Vodafone	Government of Ghana	Other
9th Nov 07	Accra	Arun Sarin Gavin Darby Herbert Osei-Baidoo	**HE President Kufour** **Menna Rawlings, Dep. High Commissioner**	James Cribb
13th-14th Nov 07	Accra	Gavin Darby Herbert Osei-Baidoo	**(no record)**	
9th Mar 08	London	Arun Sarin Gavin Darby Matthew Kirk Herbert Osei-Baidoo	**HE President Kufour**	
19th Mar 08	Accra	Simon Murray Warren Finegold Peter Nelson	**Benjamin Ntim** **Kwaku Ofosu-Adarkwa** **Vickie Bright**	
6th Apr 08	London	Arun Sarin Simon Murray Paul Donovan Gavin Darby Matthew kirk Herbert Osei-Baidoo	**HE President Kufour** **DK Osei**	
2nd May 08	Accra	Gavin Darby Matthew kirk Herbert Osei-Baidoo	**HE President Kufour** **DK Osei** **Anthony Akoto-Osei** **Benjamin Ntim** **Kwaku Ofosu-Adarkwa**	
14th-15th May 08	Accra	Gavin Darby Matthew kirk Herbert Osei-Baidoo	**HE President Kufour** **DK Osei** **Kwadwo Mpiani** **Anthony Akoto-Osei** **Benjamin Ntim**	

* Supplied by Vodafone

The prime instance of this phenomenon was the famous Ghana Telecom-Vodafone case (2008), in which the President of the Republic, together with a few officials and close associates, and to the exclusion of the designated technical team, *personally* conducted and concluded the immensely complicated negotiations for the sale of Ghana Telecom, the national telecommunications company! The outcome has been widely criticised as a sell-out of the 14 na-

tional interest.[21] However, for present purposes, the relevant feature emerges from the only publicly available record of the *dramatis personae* at the negotiations (see Table 3).

To anyone with the slightest commitment to the public interest and the barest understanding of how such investment negotiations go, this record of Ghana's representation at the negotiations makes chilling reading – an emphatic visual of ***how not to do it!***

To address this aspect of our concerns it may be suggested that we

i. *develop and use a cadre of expert negotiators, within the public service and outside it, but available to be engaged on behalf of the state;*
ii. *ensure a minimum of politician involvement in the technical preparations and actual negotiations;*
iii. *keep a comprehensive record of the negotiation process and background material in every case; and*
iv. *make the agreements and background material immediately accessible to the public.*

b. **Failure of institutional responsibility and oversight**

The *Ministry of Lands and Natural Resources* and the *Minerals Commission* failed in the discharge of their duty to ensure that the 2016 Gold Fields negotiations had the proper institutional base, and was conducted with diligence, competence and honesty. Such disregard of institutional responsibility and of the public interest, is compounded by the impunity of office bearers, which increasingly characterises our public management system.

At least as grievous, was the complete failure of *Parliament* - both sides of the House - to treat the ratification process with the slightest seriousness. The records show no evidence of any discussion or questioning of anything at the hurried Committee stage, nor on the floor of the House, with the result that the supposed positives of the agreements were routinely recited and unquestioningly endorsed. It will not be too much to consider such conduct a betrayal of the people's faith that their Parliament will, through the ratification process, diligently protect their interests by double-checking executive action, as provided for in the Constitution of the Republic.

But, ultimately, the buck stops with the President of the Republic, in whom the Constitution of the Republic vests primary responsibility for safeguarding our natural resources and ensuring their optimal exploitation

[21] See Report of the Inter Ministerial Review Committee on the Vodafone Transaction (Justice Emmanuel Akwei Addo Committee), Sept 2009

and management. It is the direct responsibility of the President to ensure that there are appropriate natural resources policies in place and that the implementation of such polices, including investment in resource exploitation, yields the most benefit for present and future generations of Ghanaians. In this instance, this obligation was not met, even though the attention of the Cabinet, of which the President is Chair, was drawn to potential deficiencies in the proposed arrangement.

c. **Failure of civic vigilance and follow-through**
The third broad lesson is that such failure of executive and parliamentary responsibility, in turn, thrives in an atmosphere of civic inertia. When criticisms of the Gold Fields Agreements went public in April last year, it received scant civil society attention. With the 21 See Report of the Inter Ministerial Review Committee on the Vodafone Transaction (Justice Emmanuel Akwei Addo Committee), Sept 2009 15 singular exception of the *Third World Network-Africa (TWN-Af)*, no civil society body raised the obvious questions that should have been put to the public institutions with responsibility in such matters. Again, the media - print and electronic - gave little attention to the matter, and the few that did, failed to do any independent checks or follow-up, or to demand answers from public officers. The matter, like many others of its kind, gained little traction and quickly died in the public domain, without a trace.

CONCLUSION

I conclude with one simple observation: failure to raise and address issues such as I have outlined this evening is not without consequence. In the specific case of the negotiation of natural resource investment agreements, the direct results include (i) haemorrhage of potential national revenue, and (ii) dissipation of non-renewable resources.

More generally, failure to confront and deal with such matters has contributed to the entrenchment of mediocrity, corruption and cynical disregard of the public interest *as the norm for managing national resources and public affairs*. This feeds popular disaffection for the political class and national institutions generally, posing a medium- to long-term threat to the sustainability of the polity.

Read Appendix below.

APPENDIX

AN E-MAIL SHARED ON THE INTERNET BY PROF. AKILAGPA SAWYERR IN COMMENTARY ON HIS PRESIDENTIAL ADDRESS IN THE LIGHT OF THE LATEST DEVELOPMENTS INVOLVING GOLD FIELDS GHANA LTD's DOWN-SIZING RATHER THAN INCREASING ITS INVESTMENT AS PROJECTED IN ITS LAST AGREEMENT WITH GOVERNMENT OF GHANA

Akilagpa Sawyerr 17 December 2017

Earlier this year I took the liberty of sending you a copy of my 2016 "Presidential Address" to the Ghana Academy of Arts and Sciences. [If you do not have a copy and would like to, I would be happy to send you one.]

I am sure you are following the unfolding news about the proposal of Gold Fields Ghana Ltd. to lay off around 1, 500 workers at its Tarkwa mine. As I listen to the news, my mind goes back to the worst fears I outlined in that address, namely, that Ghana had been conned - or induced (?) - into giving Gold Fields substantial fiscal and other concessions. As stated by the then Minister of Lands and Natural Resources, the concessions had been given "to enable [GF] to make the ***proposed*** US$2.55billion investment in the mining operations . . ., and [T]he negative impact . . . of not supporting [GF] . . . was considerable (i.e., more workers were going to be laid-off) . . ." This was echoed by Parliament, the then Chief Executive of the Minerals Commission and other officials.

Yet today, almost two years later, the company is laying off 1,500 of its work force. Among the key reasons for this, a reduced life of mine estimate (5-6 years), which is said to make it unprofitable for the company to make necessary capital investments in new equipment to enable it continue running the mine. So, far from investing further in the mine, the company is actually downsizing!

Yet it will continue to enjoy all the benefits we so naively gave it in the stability provisions of the 2016 agreement - estimated at the time, by the company itself, to be worth USD33million in the 2015 tax year and USD26million in 2016!

While this may make perfect business sense for the company, how about the laid-off workers and their families? How about all of us? What recourse do we have, if the company persists in de-investment and worker lay-offs? These questions expose the technical flaws in the agreement as highlighted in my address, as follows:

> ". . . in return for binding ourselves to the enhanced concessions in the agreements, and locking them in for 11 years in the case of Tarkwa and 9 years in the case of Damang, what did GF commit to? Answer: ***nothing – not one cent***!
>
> "What is our legal recourse, should Gold Fields fail to invest or, indeed, ***proceed to lay off more workers while enjoying the concessions***? Answer: ***none***!
>
> "Can we unilaterally withdraw any concessions in response to non-performance of the off-the-record promises? Answer: ***definitely not***!"
>
> ". . . while Gold Fields may yet decide to invest, the bottom line is that it remains ***uncommitted***, ***undecided*** and ***unbound***, *within the terms of the agreements*!"

How did we come to this pass, I ask myself?

As events have unfolded, the Gold Fields workers threatened with lay-offs are rightfully fighting for their livelihoods. But there are larger questions about mining policy and how we negotiate mining agreements. What say our leaders? Parliament? Civil society groups? Our investigative journalists and commentators?

Aki

This is published with the written permission of Prof. Akilagpa Sawyerr – **Editor**.

BACK TO CONTENTS

TOWARDS AN INDEPENDENT FOUNDATION FOR LEFT RESEARCH IN AFRICA

By
Lang T. K. A. Nubuor

In African **Left** discourse, President Nana Addo Dankwa Akufo-Addo of Ghana is certainly not a fountain of inspiration. But since the fact of the universality of knowledge renders as scientific categories those terms that are applied across the boundaries of socio-economic classes we find his definition of ''independence'' to be of universal value and applicability here.

That definition in his address at the Black Star Square to commemorate the 60th Independence Day Anniversary of the Republic of Ghana states that 'Being independent means you have the freedom and ability to make informed decisions in life without having to ask other people for permission, help or money and you take full responsibility for seeing things through.'

We are here fortified to urge that this definition is applicable not just within the narrow framework of Ghanaian 'nationality' and also at the level of the individual but more importantly within the abiding and exact framework of Pan-Africanism – across the continent. At all these levels of human endeavour, independence offers us the integrity of our thoughts and confidence in our plans for social action.

***

Researchers of the Left in Africa are thirsty for funds. The absence of a specific Foundation that funds radical alternative research in Africa compromises such researches. We are immediately reminded of Prof. Ansa Asamoa's work, *Socio-Economic Development Strategies of Independent African Countries – The Ghanaian Experience*, in which he ends up with development proposals for implementation by **either** socialist **or** capitalist neo-colonial regimes in Africa. Absurd, certainly.

Researchers of the pedigree of Prof. Ansa Asamoa, Prof. Kwesi K. Prah and Prof. Issah Shivji are all *institutional researchers* confined within the capitalist neo-colonial university structures wherein they are funded and fed. They are contrasted with *non-institutional researchers* who operate within frameworks of *independent* revolutionary organizations. These latter researchers are most handicapped and virtually depend on alms so as to retain their independence.

Referring to themselves as professional revolutionaries, the non-institutional researchers require an independent source of income to fund their research efforts. Their current state of reliance on the benevolence of friends who are themselves in strained circumstances tends to set them up as simple irritants whose appearance among such friends is often prematurely perceived as an alms adventure. Hence, to fund their efforts some of them undertake agro-production.

***

Instructively, such involvement in production is not essentially conceived in terms of participation in the capitalist neo-colonial economy of the day. It is rather conceived as an attempt to trace and develop on collectivist practices in production among the productive masses. This is in turn conceived as promoting the *evolution* of a socialist economy against the capitalist neo-colonial economy which is to be replaced in the process by the former.

In the particular case of the Centre for Consciencist Studies and Analyses (CENCSA), its Liberty Ayivi Memorial Mango Plantation (LAMMP) has been developed on the basis of the collectivist principle with the support of the occasional 'alms' from well-wishers. The current minimal success in economic production directed by the concentrated effort to systematize the *spontaneous* collectivist practices of the masses in production indicates to it the way forward.

In the light of that success, CENCSA is encouraged to set up the Africa Social Entrepreneur Network (ASEN) to share its experiences within and outside its organizational framework and among the masses of the African people. The projection is that these activities shall ultimately lead not only to the emergence of a socialist economy in Africa but also the establishment of CENCSA, even before that, as an independent Research Foundation to fund Left research across Africa.

Projected Headquarters of the CENCSA Research Foundation

***

Towards the construction of housing for a modern and hygienically clean Pig Farm set up on the principles of worker-owner collectivism where the farm is owned and managed by its own workers – an endeavour to be replicated across the continent

An on-going field and online research into piggery practices in Ghana and across the world is projected to pave the way to add a pig farm to LAMMP's cultivation of mangoes. Financing of the piggery is to be undertaken through proceeds from the mango plantation though some friends have made modest contributions towards the *research*. This self-financing by LAMMP at this stage of its development is conceived as a bold effort to test ASEN's capability to sustain the development of its projects *independently*. The addition of the piggery aids overall organic farming.

Let us agree with Nana Akufo-Addo that 'The challenge before us is to build our economy and generate a prosperous, progressive and dignified life for the mass of our people. Hard work, enterprise, creativity and a consistent fight against corruption in public life would bring the transformation we seek.' But let us also be mindful that we are talking about transformation of the *entire African capitalist neo-colonial political economy* for a Socialist United Africa. Such is our focus!

To this effect, CENCSA commits to a process of linking up with academicians and intellectuals of The Left across Africa to share its experiences for the development of similar Left research institutions in each country as a basis for the creation of a continental Left Research Foundation to fund Left researches undertaken by either individual *non-institutional researchers* or *institutional researchers* to encourage independent research free from the pressures to compromise research results.

The intra-ideological differences of The Left, notwithstanding, CENCSA links up with all researchers and research institutions committed to the vision of a Socialist United Africa. It believes in *today's* existent embryonic *reality* of the Socialist African Revolution. Hence, tracing that *embryo* and its *dynamics* is its research focus now. Knowledge gained guides its further actions.

We are Focused, Determined and Bold!
Forward Ever!
Onward to the African Revolution!

March 23 2017

This crippling of individuals I consider the worst evil of capitalism. Our whole educational system suffers from this evil. An exaggerated competitive attitude is inculcated into the student, who is trained to worship acquisitive success as a preparation for his future.

Albert Einstein

BACK TO CONTENTS

Unions and Cooperatives

How Workers Can Survive and Thrive

By Van Slyke

The year 2008 was when the big banks were bailed out, but it was also the year that catalyzed one group of window makers into democratically running their own factory.

0n the former industrial hub of Goose Island in Chicago, the employees of Republic Windows and Doors made headlines after they were locked out of their jobs just before Christmas without the back pay or severance they were owed. Organized by the United Electrical Workers Union, these displaced workers did exactly what the ownership hoped they wouldn't do. They refused to quietly accept the layoffs. Instead, the workers engaged in a sit-down strike at their factory, garnering local and national media attention. Eventually, the employees won the occupation, forcing Bank of America and JPMorgan Chase (Republic's primary creditors) to create a fund to give the workers their back pay, benefits, and health insurance. This became viewed as a much-needed victory for workers and unions in a desperate economic time.

And this January, more than seven years after their initial takeover, the workers finally received their last payment won from their struggle. According to the Chicago Tribune, ‘‘The National Labor Relations Board announced Wednesday that it will distribute to 270 union workers $295,000 in back pay stemming from labor law violations.’’

While many people know about the takeover of Republic Windows and Doors, the story of what happened next has flown under the radar. In early 2009, not too long after the workers’ sit in, a company by the name of Serious Materials chose to partially re-open the factory, and many of the worker’s jobs and livelihoods were restored. That is, until Serious surprised everyone by shuttering the factory again. The country was still in the height of the great recession that put the housing market III ruins, which had devastating consequences for the window industry. And, according to the workers, Serious never made their Chicago factory a priority in its business plan. This meant that in only a few short years, these same workers had to face the prospect of job loss once more, any they had to go through the hardship of another sit-down strike.

This, however, after the factory permanently closed, some of the workers were fed up with business as usual. In 2012, they re-started operations under new management: their own. With the help of their union, as well as organizations like the Center for Workplace Democracy and The Working World, these employees formed a cooperative, calling themselves New Era Windows, where workers were given one equal share in the business and one vote in its governance.

The best part? This co-op factory has survived in an industry where two previous non-democratic ownerships couldn't, and it’s only growing. New Era had revenue of $750.000 in 2015, an increase from its first year's revenue of 205.000, and all of

that wealth is democratically controlled by the people that created it, going to directly benefit the workers and their families.

Yet none of these achievements would have been possible if it weren't for the workers' union, which fought to get the employees what they were owed in the first place way back in 2008, and then helped them to form their worker co-op in 2012.

I'm also a member of a worker-owned cooperative, the TESA Collective, that has been educating and organizing for worker co-ops since 2010. We've traveled the country promoting the cooperative movement with tools like our board game Coopoly: The Game of Cooperatives. Over the past six years, we've seen a steady rise in interest in worker cooperatives from unions. This is a promising development, because when we use the power of collective bargaining to build collective ownership, workers win.

Centuries of Working Together

Unions and worker cooperatives have had a storied history – sometimes allies, sometimes antagonists. Still, since the late 19th century, the two movements have found ways to aid one another. As far back as 1877, the Knights of Labor (KOL) were helping to organize worker cooperatives. And from 1880 to 1888, they were part of launching hundreds of co-ops. KOL's goal was to create the "stepping stones for self-employment" that would lead to a "cooperative commonwealth."

Through more modem times, unionized workers have continued to find ways to use the cooperative model to protect their jobs and improve their livelihoods. Union Cab of Madison, a cooperative taxi company with around two hundred and sixty members, was born In 1979 after union drivers struck for better conditions, and the owners responded by permanently shuttering the company. But some of these laid-off worker realized that this turn of events didn't have to mean the end – because they were the ones who had the skills and expertise that kept their old taxi company running. It took hard work and personal sacrifice, including struggling to raise $150.000 start-up capital and initially only paying themselves an average wage of eighty-cents an hour, but they managed to found a business where all the workers, from the drivers to the dispatchers, own and run things together. Because of this, Union Cab today has some of the best conditions and pay In the taxi industry.

Similarly, Collective Copies is a print shop in Massachusetts with eleven worker-owners, which was formed in 1983 after a strike for better pay and conditions against Gnomon Copies. The workers were actually successful in their strike, but unfortunately, two weeks later, Gnomon, which didn't have a lease, was evicted from the building by the landlord. After months of picketing and organizing, the workers had won - but now they were out of jobs anyway. Instead of despairing, the workers decided to take action. They were inspired by their collective efforts with the union and were managing to (barely) stay afloat with their strike pay. So the workers turned to the cooperative model to launch a company that they wouldn't have to strike against. They pooled their resources and expertise, forming Collective Copies, which is still in business more than thirty years later.

Big Unions, Big Worker Cooperatives, Big Changes

There's been a sea change in the US over the past few decades, and unions have lost some of their historic power.

‘‘Unions today are under siege from the private as well as the public sector,’’ says Mary Hoyer, Co-Chair of the Union Co-ops Council of the US Federation of Worker Co-ops. "Very few people in the US have ever been a member of a union or understand the enormous benefits of unionization." Hoyer believes that this is why more unions are beginning to intentionally turn to the worker cooperative model to fight for workers' rights.

"Several labor unions are working with community and co-op coalitions to develop unionized co-ops from the ground up," she said. 'They include United Steelworkers in a ground-breaking agreement with Mondragon, United Food and Commercial Workers in their work in Cincinnati, Communications Workers of America, and the United Electrical Workers."

In 2009, the United Steelworkers (USW), the largest industrial labor union in North America, and Mondragon, the largest system of worker cooperatives in the world, based in the Basque region of Spain, announced that they were teaming up to build unionized worker cooperatives.

This was an incredible turning point for the two movements. And its significance is even greater if one knows the USW's history with worker cooperatives: In 1977, the USW stopped efforts by workers to form a cooperative to take over the Youngstown Sheet and Tube steel mill, a plan that might have been able to save hundreds or thousands of jobs.

But when Mondragon and the USW launched their collaboration over thirty years later, union president Leo Gerard had a very different perspective. He stated:

‘‘To survive the boom and bust, bubble-driven economic cycles fueled by Wall Street, we must look for new ways to create and sustain good jobs on Main Street... Worker-ownership can provide the opportunity to figure out collective alternatives to layoffs, bankruptcies, and closings.’’

The benefits from this collaboration have already started to bloom. The Cincinnati Union Cooperative Initiative, made possible because of the USW and Mondragon partnership, has helped launch two cooperatives: Our Harvest and Sustainergy. And even more are on the way. There are also union co-op initiatives being cultivated in roughly ten other cities, including Buffalo, New York, Pittsburgh, San Francisco/Oakland, and S1. Louis. I Worker I Vote, similarly created through the USW-Mondragon agreement, is an organization dedicated to advocating for and supporting the development of unionized co-ops nationwide.

But why would a business that's democratically owned by its workers also want to have a union? That's because worker cooperatives are not immune to labor disputes, especially as they grow larger. After all, cooperatives are systems of people, and people don't always see eye to eye. That means that even if workers democratically run a business together, there are times when they might need someone else to defend them. While representing worker-owned cooperatives

requires adjusting certain long-held frameworks and practices, unions can be critical in settling internal issues.

Working for a New Economy

Even though unions and worker cooperatives are increasingly standing together, there's still common ground to be built.

"Getting unions to understand that worker cooperatives can be more than a small niche in the larger economy is a key hurdle to overcome," says Tim Palmer, Research Director at the Democracy at Work Institute, which supports worker co-op development. Palmer, who previously worked with the Service Employees International Union (SEIU), added: "Just as importantly though, cooperatives need to understand that the larger size of the union world is not, by itself, a threat to democratic principles."

Despite these hurdles, Palmer believes that worker cooperatives and unions can do much more to achieve their common goals.

"By developing genuine partnerships with unions and other worker organizations, the cooperative movement can gain some valuable allies in those efforts," he said. "Unions could also play a key role in talking to business owners without succession plans about selling their business to their workers. Overall such partnerships hold a lot of potential to create new cooperatives, strengthen existing ones, and bring the cooperative message more squarely into the heart of American culture and politics."

If unions do take on a larger effort to transfer ownership of existing businesses to their employees, we could see many more cases like New Era Windows – without the burden of having to occupy a factory twice.

And that would be one way we could truly transform our economy. After all, what these stories demonstrate is that long after the traditional bosses are gone, we workers can thrive on our own.

Brian Van Slyke works at the TESA Collective, a worker cooperative that develops resources for social and economic change.

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BACK TO CONTENTS

Worker Cooperatives More Productive Than Conventional Businesses

By Michelle Chen

Imagine an economy without bosses. It's not a utopian vision but a growing daily reality for many enterprises. A close analysis" of the performance of worker-owned cooperative firms - companies in which workers share in management and ownership - shows that, compared to standard top-down firms, co-ops can be a viable, even superior way of doing business.

The term "co-op" evokes images of collective fanning or crunchy craft breweries. But Virginie Perotin of Leeds University Business School synthesized research on "labor-managed firms" in Western Europe, the United States and Latin America, and found that, aside from the holistic social benefits of worker autonomy, giving workers a direct stake in managing production enables a business to operate more effectively. On balance, Perotin concludes, ‘‘worker cooperatives are more productive than conventional businesses, with staff working 'better and smarter' and production organized more efficiently.’’

Under worker-run management structures, co-ops might avoid the usual friction between bosses giving orders from above, and staff misunderstanding or disputing decisions or resisting unfair work burdens from below. Fusing the workforce and management streamlines operations and saves energy otherwise sunk into training and monitoring the workforce.

A baker at King Arthur Flour Company, a worker-owned business in Norwich, Vermont. (AP/Toby Talbot)

Perotin highlights research on French cooperatives showing that ‘‘in several industries conventional firms would produce more with their current levels of employment and capital if they adopted the employee-owned firms' way of organizing.’’

Contrary to stereotype, the European co-op sector is generally as diverse as any other type of ownership structure, including full-scale factories. Though co-op conversion is often seen as a way to rescue ‘‘failing’’ firms, Perotin's research reveals that in France from 1997 to 200I more than eight in 10 worker co-ops starting up during this period were established ‘‘from scratch,’’ not derived from ownership transfers in failing companies (compared to new business formations overall, co-ops had a larger portion of brand-new startups).

By prioritizing worker autonomy, co-ops provide more sustainable long-term employment, but not only because worker-owners seek to protect their own livelihoods. If a company runs into economic distress, Perotin says, co-ops are generally more adept at preserving jobs while planning longer-term adjustments to the firm's operations, such as slowing down expansion to maintain current assets – whereas traditional corporations may pay less attention to strategic planning and simply shed jobs to tighten budgets.

While co-ops vary in form, the underlying philosophy, particularly in Europe, is the co-op as both democratic enterprise and public trust. Often worker-owned firms are mandated – either by law or corporate bylaws – to reserve a portion of assets for longer-term preservation of the integrity of the co-op model. Even if the owners close or leave the business, these indivisible assets are recycled back into future co-op generations or co-op support organizations. The practice seems less common among American co-ops, but in European co-op culture, Perotin observes, "we set up a collective good, we set up an institution for future generations."

There are far fewer co-ops in the United States than in the established French and Spanish co-op sectors, with only an estimated 300 to 400 US worker cooperatives "employing around 7,000 people and generating over $400 million in annual revenues," according to the United States Federation of Worker Cooperatives (USFWC). But in an increasingly precarious economy, advocates push worker ownership as a pathway to restore equity and control to labor. Co-ops can boost career mobility and seed homegrown job opportunities, while communities benefit from an ownership structure that keeps capital reinvested locally, not exploited or outsourced to faceless corporate chains.

"We don't see any reason why this shouldn't be the way that businesses are preserved as the owner retires, or the way that startups happen," says Melissa Hoover, executive director of USFWC's Democracy at Work Institute. Through advocacy and training programs, USFWC helps incubate new co- ops and promotes policies fostering grassroots worker-ownership. In some areas, budding co-ops are evolving into a pillar of community development programs: New York City, for example, recently launched a $1.2 million initiative (update: now raised to $2. I million) to develop and network local co- ops. Last year California enacted legislation to streamline the legal framework for founding a co-op.

Though the co-op model is not widespread, a few have built extensive operations, such as Bronx-based Cooperative Home Care Associates, home healthcare agency that employs more than 2,000 workers in union jobs upholding living wage and fair scheduling standards. Others include DIY print shops, neighborhood cafes or renewable-energy producers, often founded on a socially conscious ethos.

But could these co-op shops "scale up" to rival major corporate employers? Hoover projects that an oncoming wave of retiring Baby Boomer small business owners could offer fresh opportunities for co-op conversion. Many of these firms are viable, but won't attract big buyers, so instead of folding, a re-

tiring owner can hand the keys over to veteran staff. ‘‘If it's a buyer's market," Hoover says, "why not help the buyers be people who have never had a chance to own a business before – the people who work in them?’’

Amid stagnant wages and rising inequality, Hoover adds, ‘‘I actually see a competitive advantage in cooperatives, particularly as our world crumbles around us. There are environmental crises, there are capital crises, people are starving and homeless in the richest country in the world. And as that begins to filter through the consciousness of everyday people ... how do we envision a different system? … This actually is a system that foregrounds member benefit and community benefit in the [organization's] form.’’

For worker-owners, the business proposition is even more straightforward: Max Perez, an employee-owner at Arizmendi Bakery in the Bay Area, discusses in a USFWC report how the co-op helped him overcome the employment barriers that he faced after leaving prison.

‘‘I was really nervous to tell them about my past, but the co-op gave me a chance because they cared more about me than my record,’’ he writes. A family-sustaining co-op job has enabled him and other workers to cope with the high cost of living and remain rooted in the community. ‘‘It's hard work at the bakery, we don't always agree, but that's why I care about this place so much, you know? I want other people to have the chance I did.’’

Co-ops may not bring about a revolution, but they do bring a priceless return on investment – giving workers the power to repay one good turn with another.

Source: thenation.com, March 28, *2016*

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BACK TO CONTENTS

ON EQUITY & EQUALITY IN THE PROJECTED RESTITUTION OF HUMANIST EGALITARIANISM

By
Lang T.K.A. Nubuor

I

Of them all Equity but not Equality
is the more difficult of determination in our era;
for, to reward social input the question arises
'Whose work is more important?'

Around the dining table at the village scene
each of the communal farmers therein gathered
with different food consumption capacities
eats to his fill as the food keeps coming in.

Different tastes of food types
come from different kitchens
of the individual participants so gathered
that they partake thereof and no questions asked.

II

Each farmer has his own plot of land
but all else help to clear it
just as he helps to clear all others' plots,
yes, just as all others help each to harvest.

It all seems like the aggregate of farms
is worked as one
and each partakes of the total produce thereof
irrespective of the level of individual skill input.

Sharper skill input is appreciated and applauded;
therein derives the individual's respect and prestige;
such *social acknowledgement* being the *reward*
without this reflecting proportionately in shares *consumed*.[22]

[22] Sharon Smith, in her book *Women and Socialism – Class, Race, and Capital* (2015) p. 46, tells us that with respect to the old communal forms of society 'Coontz and Henderson note, "Chiefs were traditionally expected to give more than they received … They were also expected to work harder than anyone else, all in return for an amorphous *prestige* that gave them *no control* over the lives of others aside from that they exerted through persuasive powers."' Here, the Chief is correspondingly compared to the person with 'sharper skill input' in this stanza. Italics are added by this author.

III

Self-skill development becomes the yearning of each
for *winning* that *respect* and *prestige*
but not for a greater share in the product *consumed*
beyond the individual's consumption capacity.

Equity remains at the level of *social appreciation*
whereby levels of respect and prestige stem from input
but not resulting in greater claims on the social total
which permits each to partake thereof according to *need*.

O yes, according to *need*
since around the dining table in spite of greater input
they take their leave earlier those with lesser food need
leaving those with greater need to forge on until filled.

IV

'Ownership interest of shareholders in a corporation'
thus now The Sage's English Dictionary defines Equity
and there in our communal society that interest relates
not to the *produce* but to stake in *social appreciation*.

Emerging from different abilities in material production
social appreciation comes to impact material production
to levels of abundance for general societal fulfilment
to which both strong and weak by ability contribute.

Year by year this abundance is celebrated in Festivals
like the Homowo of the Ga, the Ngmayem of the Klo
when households share gifts of food among them
and Yokama – the Ideal Woman – is celebrated as at Klo.

V

This statement of Equity at the level of social appreciation
and of Equality at the level of material consumption by all
exhibits the communal society's harmonization of these **E**s
that appear to the neo-colonialized mind a contradiction.

O! To the neo-colonized mind a contradiction exists,
for, he asks 'why should weak and strong share equally
when the strong puts in more skills than the weak
under the same conditions of material production?'

Nkrumah rebuts: 'Egalitarianism (Equality) cannot mean
the absence of difference …. It recognizes and accepts
differences among men, but … only at the functional level
… not at the level of the intrinsic worth of the individual.'!

VI

At the functional level of production individual skills vary
but *complement* each other for the success of production;
as human, each individual bears no varying intrinsic worth
such that one is treated differently at the survival table.

One's need for food, shelter and clothing is others' need –
children a collective asset and responsibility to nurture –
what else but different skills in function differentiate men
which skills, sophisticated or not, complement for success.

Architect, your design becomes great thanks to the mason
without whom that design materialises not for recognition;
your greatness depends on skills of the mason's expertise
so why for you excess survival requests beyond thy need?

VII

Architect, thou a genius but a feeble lot of this Transition,
who can't pick a cement block to actualise the plan,
you shout 'Equity! Equity! Equity!' for not only above need
but also social appreciation, O! You glutton, gobbling all!

Let the architectural environ be populated by your ilk only
and not a single room shall it be populated thereby;
rejoice that the mason complements your effort to realise
for the view this glorious initiative for social appreciation.

Eternal respect and prestige in humility shall be thy lot,
for, generations shall remember what you did, not had;
yes, we remember heroes and heroines for what they did,
never for how much or how many they had to keep to self!

VIII

Forever shall Africa and Africans remember Dr. Nkrumah
not for the mansion he never cared to acquire for self
not for his suits marked 'Property of the State'
but his input to the process of restitution of Egalitarianism!

The Struggle for the Ultimate Attainment
of the Humanist Egalitarian Society Continues!
Long Live Revolutionary Pan-Africanism
for a Socialist United Africa!

BACK TO CONTENTS

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BACK TO CONTENTS